



A G E N D A

Council

Council Chambers

**Thursday 29 August 2013
commencing at 9.00 am**

Her Worship the Mayor, M.H. Pugh (**Chairperson**)
Deputy Mayor Councillor B.O. Thomson
Councillors J.G. Birchfield, A.N. Bradley,
J.H. Butzbach, K.J. Eggeling,
A.M. Hurley, M.D. Montagu,
K.R. Scott, F.I.W. Stapleton, C.A. van Beek.

NOTICE IS HEREBY GIVEN THAT AN ORDINARY MEETING OF THE WESTLAND DISTRICT COUNCIL WILL BE HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA ON THURSDAY 29 AUGUST 2013 COMMENCING AT 9.00 AM

Tanya Winter
Chief Executive

22 August 2013

Council Vision

"Westland will, by 2030, be a world class tourist destination and have industries and businesses leading through innovation and service."

This will be achieved by:

- *Involving the community and stakeholders*
- *Having inspirational leadership*
- *Having expanded development opportunities*
- *Having top class infrastructure for all communities*
- *Living the '100% Pure NZ' brand*

"Westland, the last best place"

Purpose:

The Council is required to give effect to the purpose of local government as prescribed by section 10 of the Local Government Act 2002. That purpose is:

- (a) To enable democratic local decision-making and action, by and on behalf of, communities; and
- (b) To meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

1. MEMBERS PRESENT AND APOLOGIES

1.1 Apologies

1.2 Register of Conflicts of Interest

2. CONFIRMATION OF MINUTES

2.1 Confirmation of Minutes of Meetings of Council

2.1.1 Extraordinary Council Meeting – 1 August 2013. (Pages 5-22)

2.2 Minutes and Reports to be received

2.2.1 Minutes of the Public Excluded portion of the Westland District Council Meeting – 1 August 2013.

(Refer Public Excluded Minutes).

3. PUBLIC FORUM

The public forum section of the meeting will commence at 9.00 am.

4. REPORTS

4.1 Mayor

Recommendation

That the Mayor's monthly report be received. (Page 23)

4.2 Chief Executive

Recommendation

That the Chief Executive's monthly report be received. (Pages 24-27)

5. GENERAL BUSINESS

5.1 Enviro Group- Kaniere School – Hectors Dolphins.

The Enviro Group from Kaniere School will be in attendance at 10.00 am to provide a presentation regarding stencilling fish on drains.

Morning Tea Break at 10.30 am.

5.2 Peter O'Sullivan, Manager, Minerals West Coast.

Peter O'Sullivan from Minerals West Coast will be in attendance at the meeting at 11.00 am to provide a presentation regarding a Minerals Strategy for the West Coast.

- 5.3 Whataroa Cemetery Committee – Appointment of New Trustees. (Pages 28-30)
- 5.4 Annual Report on Dog Control Policy and Practices. (Pages 31-35)
- 5.5 Reserve Fund Delegations. (Pages 36-40)
- 5.6 Wildfoods Festival 2014. (Pages 41-45)
- 5.7 Section 33 RMA – Transfer of Functions. (Pages 46-67)

Lunch break at 12.30 pm.

**NEXT MEETING: THURSDAY 26 SEPTEMBER 2013
COMMENCING AT 9.00 AM**

Extraordinary Meeting Council Minutes

MINUTES OF THE EXTRAORDINARY MEETING OF THE WESTLAND DISTRICT COUNCIL, HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA ON THURSDAY 1 AUGUST 2013 COMMENCING AT 9.00 AM

The opening prayer was read by Her Worship the Mayor Maureen Pugh.

1. MEMBERS PRESENT

Her Worship the Mayor, M.H. Pugh (Chairperson)
Deputy Mayor Councillor B.O. Thomson.
Councillors A.N. Bradley, A.M. Hurley, J.H. Butzbach, K.J. Eggeling, M.D. Montagu, K.R. Scott, F.I.W. Stapleton, C.A. van Beek.

1.1 APOLOGIES

Councillor J.G. Birchfield.

ALSO IN ATTENDANCE

T.L. Winter, Chief Executive; P.G. Anderson, Team Leader – Operations; Vivek Goel, Group Manager: District Assets; S.H. Halliwell, Acting Group Manager Corporate Services; T. O'Malley, Finance Manager; D.M. Maitland, Executive Assistant.

1.2 Register of Conflicts of Interest

The Conflicts of Interest Register was circulated with no amendments.

2. CONFIRMATION OF MINUTES

2.1 Confirmation of Minutes of Meetings of Council

2.1.1 Ordinary Council Meeting – 27 June 2013.

Moved Councillor Montagu, seconded Councillor Stapleton and **Resolved** that the Minutes of the Ordinary Meeting of Council held

on the 27 June 2013 be confirmed as a true and correct record of the meeting.

2.1.2 Extraordinary Council Meeting – 18 July 2013.

Moved Councillor Butzbach, seconded Councillor Scott and **Resolved** that the Minutes of the Extraordinary Meeting of Council held on the 18 July 2013 be confirmed as a true and correct record of the meeting subject to the following amendments:

Page 17

"Item 1. Hokitika Water Depreciation Correction - Ratepayers Paying: All Connected".

Page 29

"Item 41. Rural Fire – All Ratepayers."

"...Resolved that Council signals its interest with regard to the NZFS contribution to all the rural fire forces".

Page 35

"Transportation

Activity	Current draft Budget	Proposed	Reduction
Routine Drainage Maintenance	\$147,200	<u>\$140,000</u>	<u>\$7,200"</u>

Page 36

"Total reduction is now –

\$25,375 from renewals budget

Page 37

"2. Bridge not replaced will compromise the safety and access. The bridge will be weight restricted preventing the access for heavy load vehicles (e.g. cattle trucks)."

2.2 Minutes and Reports to be received

2.2.1 Minutes of the Public Excluded portion of the Westland District Council Meeting, held on Thursday 27 June 2013.

(Refer Public Excluded Minutes).

2.2.2 Westland District Council Safer Community Council Meeting – 28 June 2013.

Moved Councillor Stapleton, seconded Councillor van Beek and **Resolved** that the Minutes of the Westland District Council Safer Community Council Meeting held on the 28 June 2013 be received.

3. PUBLIC FORUM

No members of the public attended the Public Forum Section of the meeting.

4. REPORTS

4.1 Mayor

Her Worship the Mayor spoke to this report.

Moved Councillor Montagu, seconded Councillor van Beek and **Resolved** that the report from Her Worship the Mayor dated June-July 2013 be received.

4.2 Chief Executive

The Chief Executive spoke to this report and advised that a workshop was held with interested parties regarding the West Coast Wilderness Trail. Items discussed included a Draft Marketing Plan, Draft Website Template, Signage, Opening Date, public meeting to be held in Ross, report to Council regarding changing the speed restrictions.

The Manager Planning and Regulatory clarified that on Page 47, "...the reporting period was 13 days..."

Moved Councillor Bradley, seconded Councillor Butzbach and **Resolved** that the report of the Chief Executive titled "Chief Executive's Report" dated 1 August 2013 be received.

5. **GENERAL BUSINESS**

5.1 **Adoption of the 2013-2014 Annual Plan.**

The Chief Executive and Acting Group Manager Corporate Services spoke to this report.

Her Worship the Mayor thanked Councillor van Beek for checking the Annual Plan and also thanked the Chief Executive and her team for the preparation of the Annual Plan.

Moved Her Worship the Mayor, seconded Councillor Hurley and **Resolved** that the 2013-2014 Annual Plan be adopted.

Deputy Mayor Thomson, Councillors Scott and Montagu recorded their votes against the motion.

5.2 **Adoption of the Rates Resolution 2013-2014**

This item was discussed and then adjourned.

The following items were taken out of order to the Agenda papers.

5.5 **Transfer of Reserve Fund Account – Guy Menzies Day**

Moved Councillor Scott, seconded Councillor Montagu and **Resolved** that \$4,256.28 be transferred from the Guy Menzies Day Reserve to the Harihari Community Association.

5.2 **Adoption of the Rates Resolution 2013-2014** cont.

Her Worship the Mayor advised that Page 54 should read from.... “Dillmanstown in the north” which was subsequently confirmed by the Acting Group Manager – Corporate Services.

Moved Councillor Stapleton, seconded Councillor Butzbach and **Resolved** that Council adopts the full Rates Resolution as follows:

"RATES RESOLUTION

Pursuant of Section 23 of the Local Government (Rating) Act 2002, Council sets the rates in accordance with the 2013/14 Annual Plan for the financial year commencing on 1 July 2013 and ending on 30 June 2014.

General Rate

The General Rate is a rate on the land value of each rateable property. This will be set as a differential rate dependent on the underlying zoning of each property as denoted in the District Plan or the location of the property.

1. Rural General – Properties 10 hectares or larger zoned Rural.
2. Small Holdings – Properties less than 10 hectares zoned Rural, except those in Hokitika Zone 1 or Glacier Towns Small Holdings.
3. Hokitika Zone 1 – Properties less than 10 hectares, within 5 kilometres of the boundary of Hokitika Township, zoned Rural.
4. Hokitika Zone 2 – Properties in Kaniere which are within the Small Settlement zone
5. Rural Townships – Properties in Kumara, Arahura, Ross, Harihari, Whataroa, and Haast which are within a Tourist, Small Settlement or Coastal Settlement zone.
6. Small Settlements - Properties at Lake Kaniere, Kokatahi, Okarito, Okuru, Neils Beach, Hannah's Clearing and Jackson Bay which are within a Tourist, Small Settlement or Coastal Settlement zone.
7. Glacier Towns - Properties in Franz Josef/Waiau, Franz Alpine Resort and Fox Glacier which are within a Tourist or Residential zone, not rated commercial.
8. Rural Commercial – Commercial Properties in a Rural zone except those in Glacier Towns Small Holdings Commercial.
9. Commercial in Rural Residential – Commercial Properties in a Tourist, Small settlement or Coastal Settlement zone except those in Glacier Towns Commercial.
10. Glacier Towns Commercial – Commercial Properties in Franz Josef/Waiau, Franz Alpine Resort and Fox Glacier which are within a Tourist or Residential zone.
11. Glacier Towns Small Holdings – Properties between the southern boundary of Lake Mapourika and the Fox River which are less than 10 hectares in size, except for those properties within the Glacier Towns.
12. Glacier Towns Small Holdings Commercial - Commercial properties between the southern boundary of Lake Mapourika and the Fox River, except for those properties within the Glacier Towns.
13. Hokitika 1-6 units – Residential properties in Hokitika, except those in Hokitika Beachfront.
14. Hokitika Beachfront – Residential properties that bound the sea on Revell Street and Beach Street in Hokitika.
15. Hokitika Commercial – Commercial Properties in Hokitika.

The appropriate rate will be charged on the rateable land value as assessed by Council's valuation provider, Quotable Value Limited, each year.

Uniform Annual General Charge (UAGC)

A UAGC to be charged as a fixed amount on each separately occupied portion of a rateable property.

Where more than one property is owned by the same Ratepayer, the properties are contiguous, and are utilised as a single property, then only one UAGC in total will be assessed. Similarly, where an adjoining leased area is utilised as part of the parent property, then only one UAGC in total will be assessed. This reassessment is reliant on property owners satisfying Council that they meet the relevant criteria.

Emergency Management Contingency Rate

The Emergency Management Contingency Rate is a targeted rate to fund the Emergency Contingency Fund. It is set as a rate on the capital value on each rateable property.

Tourism Promotions

A targeted rate to fund Tourism Promotions made up of:

1. Four differential Commercial Uniform Charges based on the capital value of the property.
2. A Uniform Charge for all other ratepayers.

Waste Management

Waste Management rates are targeted rates to fund the Waste Management activity.

1. A Waste Management Uniform Charge on each separately occupied portion of a rateable property.
2. A differential rate on the capital value for each rateable property as follows:
 - (a) Waste Management (Commercial). Properties whose General Rate is either Commercial, Commercial in Rural Residential, Hokitika Commercial, Glacier Town Commercial, or Glacier town Small Holding commercial
 - (b) Waste Management (Rural). Properties whose General Rate is Rural General.
 - (c) Waste Management (Small Holdings). Properties whose General Rate is Small Holdings, Hokitika Zone (1), or Glacier Towns Small Holdings.
 - (d) Waste Management (Urban). Properties whose General Rate is Rural Towns, Small Settlements, Residential within Hokitika or Hokitika Zone (2).

The appropriate rate will be charged on the rateable capital value as assessed by Council's valuation provider each year. A waste management rate will not be charged on utilities where a differential general rate is not charged.

Refuse Collection

A targeted uniform charge to fund refuse collection.

1. Hokitika Refuse Collection - A uniform charge per property in Hokitika.
2. Rural Refuse Collection - A uniform charge per property that has access to the refuse collection service.

The rate will be charged on each separately occupied portion of a property where rubbish collection is available in Hokitika and in the area from Dillmanstown in the north to Ross township in the south, including Kaniere to Lake Kaniere.

Water Charges

Targeted uniform charges and commercial metered water to fund the cost of water supplies.

1. Treated Water in Rural Townships – Ross, Harihari, Whataroa, Franz Josef/Waiau & Fox Glacier. A uniform charge or metered charge per cubic metre.
2. Untreated Water in Rural Townships – Kumara, Arahura, Harihari untreated, Whataroa Rural, Haast. A uniform charge.
3. Treated Water in Hokitika and Kaniere. A uniform charge or metered charge per cubic metre.

The uniform charge will be charged for each separately occupied portion of a property supplied with water, unless separately metered.

Commercial properties will be charged a differential rate if not separately metered. An unconnected rate of 50% of the connected charge will be charged on any property where a water supply is available but is not connected.

Kokatahi Community Rate

A targeted rate to fund projects in the Kokatahi community.

1. A Kokatahi Community Uniform Charge.
2. A Kokatahi Community Rate on the land value of each rateable property.

The uniform charge will be charged on each property in the Kokatahi/Kowhitirangi area which has a general rate uniform annual charge. The rate will be charged on the rateable land value of each property in the Kokatahi/Kowhitirangi area from Geologist Creek in the

north to Hokitika Gorge in the south and the Kaniere/Kowhitirangi Road from Nesses Creek onward.

Sewerage Charges

A targeted uniform charge to fund the costs of sewage disposal in Hokitika, Kaniere, Franz Josef/Waiau, Fox Glacier and Haast.

1. A sewerage Charge per property for Residential Properties.
2. A sewerage Charge per pan or urinal for Commercial Properties.

The rate would be charged on each separately occupied portion of a property connected to the sewerage disposal system provided by Council. An unconnected rate of 50% of the connected charge will be charged on any property where Council sewerage disposal is available but is not connected.

Kaniere Sewerage Capital Contribution

A targeted rate to recover the capital cost of the Kaniere sewerage system. The rate has been assessed as a capital contribution of \$4,907 per property on a table mortgage basis over 25 years from 1 July 2000. The interest rate is re-assessed periodically and is currently 7%. The balance outstanding on a property may be paid in part or full at any time, and the repayment completion date re-calculated accordingly.

The rate will be charged on each property able to be connected to the Kaniere sewerage system which has not already completed payment of the capital contribution.

Glacier Country Promotions

Targeted rates to fund the Glacier Country Promotions grant made up of:

1. A Glacier Country Uniform Charge.
2. A Glacier Country Commercial Uniform Charge.
3. A Glacier Country Promotions Rate on the land value of commercial rated properties.

The uniform charge will be charged on each property in the Glacier region which has a general rate uniform annual charge, but has not been commercial rated. The commercial uniform charge will be charged on each commercial rated property in the Glacier region. The promotion rate will be charged on the rateable land value of each commercial rated property in the Glacier region.

These rates will be levied on all rateable properties in the area from Lake Mapourika in the north to the Ohinetamatea River in the south.

Hokitika Area Promotions

A targeted uniform charge to be levied on each Hokitika Commercial ratepayer, to fund the grant to Enterprise Hokitika.

Ross Swimming Pool

A targeted rate to fund 75% of the cost of operating the Ross swimming pool. The rate will be charged on the land value of every rateable property in the town of Ross.

Hannah's Clearing Water Supply Capital Repayment

A targeted uniform charge to recover the capital cost of providing individual water supply systems to Hannah's Clearing properties. The amount to be recovered will be the actual cost per property plus 6% interest on a table mortgage basis, plus GST. The interest rate will be re-assessed periodically.

The rate will be charged on each property provided with a water supply system which has not already completed payment of the capital cost.

Rates Summary

The General and Targeted Rates to be collected by Council for the year and the revenue generated from each are as follows. These figures are GST inclusive. The land and capital value rates are set at "cents per \$100".

DESCRIPTION	LAND VALUE	2012/13	2013/14	%	RATE STRUCK
General Rates					
Rural General	782,849,000	0.0011492	0.0013281	15.6%	\$1,039,663
Small Holdings	143,276,100	0.0016699	0.0019257	15.3%	\$275,903
Hokitika Zone 1	50,728,000	0.0016690	0.0024282	45.5%	\$123,176
Hokitika Zone 2	23,003,400	0.0055865	0.0052569	-5.9%	\$120,927
Rural Townships	37,053,500	0.0046238	0.0040021	-13.4%	\$148,292
Small Settlements	52,244,000	0.0027961	0.0026159	-6.4%	\$136,665
Glacier Towns	35,018,500	0.0031422	0.0036740	16.9%	\$128,658
Rural Commercial	7,093,000	0.0022519	0.0021843	-3.0%	\$15,493
Commercial in Rur Res	4,999,000	0.0055660	0.0047323	-15.0%	\$23,657
Glacier Towns Commercial	37,097,000	0.0040844	0.0044042	7.8%	\$163,382
Glacier Towns Small Holdings	20,111,500	0.0022121	0.0028922	30.7%	\$58,167
Glacier Towns SH Commercial	5,292,000	0.0031543	0.0036224	14.8%	\$19,170
Hokitika Res 1	100,038,500	0.0092498	0.0101938	10.2%	\$1,019,769
Hokitika Res 2	2,996,000	0.0146050	0.0163100	11.7%	\$48,865
Hokitika Res 3	246,000	0.0175260	0.0193681	10.5%	\$4,765
Hokitika Res 4	233,000	0.0214206	0.0234457	9.5%	\$5,463
Hokitika Res 6	306,000	0.0214206	0.0234457	9.5%	\$7,174
Hokitika Beachfront	13,142,000	0.0078415	0.0081692	4.2%	\$107,360
Hokitika Commercial	38,646,000	0.0101277	0.0111910	10.5%	\$432,486
	1,354,372,500				3,879,034
Uniform Annual General Charge	5,485	\$ 382.43	\$ 497.60	30.1%	2,729,332
Emergency Management Contingency Fund	Capital Value 2,284,837,500	0.0000260	0.0000000	-100.0%	0
Tourism Promotions					
All Commercial Properties with capital value:	Rating Unit				
Over \$10 million	3	\$ 2,000.00	\$ 2,626.60	31.3%	\$7,880
\$3 - 10 million	11	\$ 1,000.00	\$ 1,313.30	31.3%	\$14,446
\$1 - 3 million	71	\$ 400.00	\$ 525.32	31.3%	\$37,298
\$0 - 1 million	203	\$ 200.00	\$ 262.66	31.3%	\$53,320
All other ratepayers	5192	\$ 3.00	\$ 3.94	31.3%	\$20,456
					\$133,400
Total General Rate (incl GST)					\$6,741,766
Total General Rates (excl GST)					\$5,862,405

DESCRIPTION	Capital Value /Rating Units	2012/13	2013/14	%	RATE STRUCK
Targeted Rates					
Waste Management					
Waste Management Uniform Charge	5,485	\$ 25.49	\$ 35.96	41.1%	197,239
Waste Management (Commercial)	303,263,000	0.0004882	0.0008562	75.4%	259,664
Waste Management (Rural)	932,675,500	0.0000192	0.0000339	76.4%	31,594
Waste Management(Small Holdings)	413,635,400	0.0001457	0.0002526	73.3%	104,471
Waste Management (Urban)	635,263,600	0.0001104	0.0001946	76.2%	123,599
Hokitika Refuse Collection	1,579	\$ 225.10	\$ 283.14	25.8%	447,081
Rural Refuse Collection	1,308	\$ 213.94	\$ 263.10	23.0%	<u>344,135</u>
Total Waste Management Rates					\$1,507,783
Water Supply					
Rural Township Untreated Water					
Domestic		\$ 345.00	\$ 271.90	-21.2%	
(unmetered) Commercial		\$ 575.00	\$ 453.17	-21.2%	
Unconnected		\$ 172.50	\$ 135.95	-21.2%	
Rural Township Treated Water					
Domestic		\$ 460.00	\$ 362.52	-21.2%	
(unmetered) Commercial		\$ 792.00	\$ 623.54	-21.3%	
Unconnected		\$ 230.00	\$ 181.26	-21.2%	
Hokitika/Kaniere Water					
Domestic		\$ 460.00	\$ 362.52	-21.2%	
(unmetered) Commercial		\$ 792.00	\$ 623.54	-21.3%	
Unconnected		\$ 230.00	\$ 181.26	-21.2%	952,984
Hannah's Clearing Capital	13	\$ 500.00	\$ 575.00	15.0%	7,475
Total Water Rates					\$960,459
Metered Water Charges					\$1,322,500
Sewerage Rate					
Connected		\$ 222.00	\$ 197.90	-10.9%	
Unconnected		\$ 111.00	\$ 98.95	-10.9%	\$746,336
Kaniere Sewerage Capital	70	\$ 417.00	\$ 417.00	0.0%	29,190
Total Sewerage Rates					<u>\$775,526</u>
Kokatahi Community Rate					
Levy	216,788,000	0.0000198	0.0000212	7.2%	4,600
Uniform Charge	180	\$25.55	\$25.56	0.0%	4,600
Total Kokatahi Community Rate					\$9,200
Glacier Country Promotions					
Levy	42,699,500	0.0008529	0.0008753	2.6%	37,375
Uniform Charge	392	\$ 51.00	\$ 48.41	-5.1%	18,978
Commercial Uniform Annual Charge	76	\$ 256.00	\$ 242.07	-5.4%	18,397
Total Glacier Country Promotions					\$74,750

DESCRIPTION	Capital Value /Rating Units	2012/13	2013/14	%	RATE STRUCK
Hokitika Area Promotions					
Uniform Charge	134	\$ 327.00	\$ 334.70	2.4%	44,850
Total Hokitika Promotions					\$44,850
Ross Swimming Pool					
Levy	10778500	0.000613303	0.001972770	221.7%	\$21,264
Total Ross Swimming Pool Rates					\$21,264
Total Targeted Rates (incl GST)					\$4,716,332
Total Targeted Rates (excl GST)					4,101,159
General Rates (excl GST)					5,862,405

Rating by Instalments and Rates Penalties

The Council provides for 2013/2014 rates to be paid in four instalments with a 10% additional charge added to the current instalment rates remaining unpaid on the penalty dates.

	Final date for payment	Penalty date
Instalment 1	20 September 2013	23 September 2013
Instalment 2	30 November 2013	1 December 2013
Instalment 3	28 February 2014	1 March 2014
Instalment 4	31 May 2014	1 June 2014

A further 10% will be added to all rates and additional charges remaining unpaid on 1 July 2013 and a further 10% will be added to any rate to which the additional charges referred to above is added and remains unpaid at 1 January 2014.

Definition of a 'Separately Occupied' Portion of a Rateable Property'

A separately occupied portion of a rateable property is defined as:

Any part of a rating unit that can be separately let and /or permanently occupied; and used for separate purposes.

Early Payment of Rates

A discount of 2.5%, calculated on the Total Annual Rates, will apply when all due rates are paid in full, together with any outstanding rates and penalties from prior years, by the due date for payment of the first installment being 20 September 2013."

Councillors Scott and Montagu recorded their votes against the motion.

5.3 2013/16 Statements Of Intent – Westland Holdings Limited and Subsidiaries

Her Worship the Mayor declared a Conflict of Interest in this matter and did not participate in this discussion or vote on this matter.

Deputy Mayor Thomson declared a Conflict of Interest for the Westroads Statement of Intent, and did not participate in this discussion or vote on this matter.

Councillor Eggeling chaired this section of the meeting.

The Acting Group Manager Corporate Services spoke to this item.

Moved Councillor Eggeling, seconded Councillor Hurley and **Resolved** that Council receive the 2013/16 Statements of Intent for Westland Holdings Limited and Subsidiaries

Councillors Scott and van Beek recorded their votes against the motion.

Councillor Hurley thanked the Chief Executive and Team for their work regarding this matter.

Her Worship the Mayor resumed chairing the Council Meeting.

The meeting adjourned for morning tea at 10.34 am and reconvened at 10.56 am.

5.4 Approval of New Multi Option Credit Line Facility

Moved Deputy Mayor Thomson, seconded Councillor van Beek and **Resolved** that:

- A) Council authorise the Chief Executive to amend the current Westpac Bank Multi Option Credit Line facility, reducing the facility to \$9.5 million to expire 1st July 2014.
- B) Council authorise the Chief Executive to enter a new agreement with Westpac Bank to set up a Multi Option Credit Line facility for \$9.5 million to expire 1st July 2015.

5.6 Westland District Council Freedom Camping Control Bylaw 2012 – Revocation.

Moved Councillor van Beek, seconded Councillor Stapleton and **Resolved** that:

- A) The proposed Statement of Proposal as follows be adopted:

“Introduction:

The Westland District Council proposes to revoke the Westland District Council Freedom Camping Control Bylaw 2012 (the Bylaw). Revocation of a Bylaw is required to be undertaken in accordance with the special consultative procedure provided for in the Local Government Act 2002.

Reason for Proposal:

Council adopted the Bylaw in 2012 pursuant to the provisions of the Freedom Camping Act 2011. After the Bylaw was put in place the New Zealand Motor Caravan Association (the Association) applied to the High Court for a review of Council’s procedures in respect of the Bylaw and made claims that the Bylaw was unlawful and

unreasonable and not an appropriately proportionate way of addressing freedom camping in Westland.

Council has assessed the risk and has chosen to take a precautionary approach that does not incur costs for the ratepayer at any hearing in the High Court.

The Council ceased enforcing the Bylaw in April 2013 and has given an undertaking to the Association that a review will commence.

In the meantime the Council has yet to establish a timeframe and procedure for review and so revocation of the Bylaw is a desirable outcome to provide certainty to all parties in dealing with the adverse effects that can be associated with freedom camping.

Community Response:

The Council is concerned that some freedom camping practices could be detrimental in Westland and that the revocation of the Bylaw might not be in the best interest of households, businesses and the environment in Westland. Council is, however, heartened that the New Zealand Freedom Camping Forum will continue to exist and will champion the cause of clean freedom camping so that the people using both serviced and unserviced camper vans are aware of the need to ensure that environmental considerations are paramount in New Zealand and that dirty freedom camping practices do not occur.

Council acknowledges that the New Zealand Freedom Camping Forum will continue to have a role to play, that there is an increasing public awareness of the effects of dirty freedom camping practices, that a Bylaw may not necessarily be essential to control those practices and that the wider community will be better served through the improved education of vehicle users by way of policy rather than a regulatory function.

Options:

Council has considered several options:

1. Status quo. The status quo includes the continued enforcement of the current Bylaw. This is not an option as the matter is currently before the High Court on review.
2. Retain and immediately review the current Bylaw. Resources are not available at this time to undertake an immediate review that would adequately sustain scrutiny as to statutory process.

3. Revoke the Bylaw and do nothing. This option may be appropriate and is Council's proposal.
4. Revoke the Bylaw and commence an immediate review. Resources are not available at this time to undertake an immediate review that would adequately sustain scrutiny as to statutory process.
5. Revoke the Bylaw and undertake a review at some time in the future. This option does not involve a timetable for review but a review could be undertaken should circumstances require.

For the above reasons, Council has decided that the revocation of the Bylaw (option 3) is an appropriate proposal.

Consultation:

The Council has now reached the stage where the Special Consultative procedures provided for within the Local Government Act 2002 can be proceeded with.

The Council now proposes that the Westland District Council Freedom Camping Control Bylaw 2012 be revoked. Public notice of the proposal to revoke the Bylaw will be given on 7 August 2013 and the notice will invite participation and feedback on the Bylaw revocation proposal.

Any submission is required to be lodged at the Council building prior to **5.00pm on 5 September 2013**. Any submissions received will be considered with the final consideration of the revocation of the Bylaw to occur at the regular meeting of the Council on 26 September 2013.

Submissions must be sent to the Westland District Council, Private Bag 704, Hokitika 7842, and the officer for enquiries is Richard Simpson.

Dated at Hokitika this 1st day of August 2013."

- B) The special consultative process to revoke the Bylaw commence forthwith.

6. MATTERS TO BE CONSIDERED IN THE 'PUBLIC EXCLUDED SECTION'

Moved Councillor Eggeling, seconded Councillor Bradley and **Resolved** that Council exclude the public in accordance with Section 48, Local Government Official Information and Meetings Act 1987 at 11.10 am.

Council is required to move that the public be excluded from the following parts of the proceedings of this meeting, namely:

6.1 Public Excluded Minutes of Meetings of Council

6.2 Westland District Utilities Maintenance Management 2013-2018: Contract 13/14/01

6.3 Tourism West Coast Appointment

The general subject of the matters to be considered while the public are excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Item No.	Minutes/ Report of	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
1.	Public Excluded Minutes of Meetings of Council	Confirmation of June Public Excluded Council Minutes.	Good reasons to withhold exists under Section 7.	Section 48(1)(a)
2.	Report to Council	Contract 13/14/01	Good reasons to withhold exists under Section 7	Section 48(1)(a)
3.	Report to Council	Tourism for West Coast Appointment	Good reasons to withhold exists under Section 7.	Section 48(1)(a)

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

No.	Item	Section
1. & 3.	Protection of privacy of natural persons/organisations	Section 7(2)(a)
2.	Protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.	Section 7(2)(b)(ii)

Moved Councillor Scott, seconded Councillor van Beek and **Resolved** that the business conducted in the "Public Excluded Section" be confirmed and the public be readmitted at 11.23 am.

MEETING CLOSED AT 11.24 AM
NEXT MEETING: THURSDAY 29 AUGUST 2013
COMMENCING AT 9.00 AM

Confirmed by:

Maureen Pugh
Mayor

Kerry Eggeling
Councillor

Date: _____

Date: _____

MAYOR'S ACTIVITIES AUGUST 2013

- Westland Wilderness Trust meeting
- Hosted visit by Japanese students
- Opening of new ANZ bank in Hokitika
- Meeting with Chinese travel agent
- Westland Holdings meeting
- Opening of new chiropractor clinic in Hokitika
- Celebration of Reefton's 125 years of electricity/launch of new restoration project
- TrustPower Community Awards
- LGNZ Conference Committee meeting via teleconference
- Meeting with new appointee to Tourism West Coast, Gary Lee
- Citizenship Ceremony
- Webinar training
- Attendance at Tommy Nolan's funeral in Whataroa
- Dawn blessing of stage 2 at Arahura Marae
- Hosted visit by 3rd year medical students
- Hosted visit by Deputy Chinese Consul and two staff
- Meeting with RSA

TrustPower again excelled with their event at the Beachfront Hotel to acknowledge the outstanding efforts of our valued volunteers. The Supreme Winner for Westland is Heritage Hokitika, recognising the information kiosk project at the Hokitika Cemetery. This group will represent Westland at the National Awards in Invercargill next year. It was with sadness that I attended my last TrustPower Community Awards, but also with a huge amount of pride for the contribution that our volunteers make to the wellbeing and prosperity of Westland.

It was heartening to attend the opening of the new premises for ANZ in Revell Street, as well as the new chiropractic clinic in Hampden Street. Business is growing and there is clearly confidence in the future of Westland with the volume of properties changing hands and being built.

The visit by the Chinese consulate was a valuable opportunity to start building a relationship with China. I invited representatives from education and tourism to meet with and explore opportunities with the consulate, and arranged a visit to some premises in Hokitika and a historic walking tour of the town. I struck up an instant rapport with Amber, the Deputy Consul General, and feel confident that we will meet each other again. The opportunities that we can capitalise on with Chinese visitors is limitless, but the first step is building relationships. We took the opportunity to have Kerrie Fitzgibbon and Biddy Manera speak to a short power point presentation on their respective Chinese projects which have already gained support from the Chinese Consul General.

Report



DATE: 29 August 2013

TO: Mayor and Councillors

FROM: Chief Executive

CHIEF EXECUTIVE'S REPORT

1.0 SUMMARY

1.1 The purpose of this report is to present:

1.1.1 The management reports for the last reporting period for:

- Community Services
- District Assets
- Planning and Regulatory

1.1.2 Updates on any matters of significance since the last report dated 1 August 2013.

1.2 This report is on the agenda so that Council are kept fully apprised of Council business and are aware of how the organisation is tracking.

1.3 The Council is required to give effect to the purpose of local government as prescribed by section 10 of the Local Government Act 2002. That purpose is:

- (a) To enable democratic local decision-making and action, by and on behalf of, communities; and
- (b) To meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

Vision's Objectives	Achieved By
The CE's report supports all objectives in Council's Vision Statement: <ul style="list-style-type: none">• Involving the community and stakeholders.• Having inspirational leadership.• Having expanded development opportunities.	Ensuring Council fulfils the commitments made to the community in the Long Term Plan.

<ul style="list-style-type: none"> • Having top class infrastructure for all communities. • Living the "100% Pure NZ" brand. 	
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- 1.4 This report concludes by recommending that Council receives the Chief Executive's report dated 29 August 2013.

2.0 COMMENT

- 2.1 Council adopted the Annual Plan 2013-14 on 1 August, and the work plan for the year is now well underway. Project managers have been assigned to all capital projects and other significant operational projects. A business case template is being developed for projects over \$50,000 that need peer review by the Executive Team and approval from the CE, as per the new Financial Management Principles signed off by Council during the Annual Plan development. There are a couple of reports on the agenda that relate to Annual Plan projects that require further resolutions of Council.
- 2.2 Last Council meeting the CE undertook to provide a report this meeting on options for the future of the Hokitika RSA building. Unfortunately this report is not ready for this agenda. The RSA building site is a designated Local Purpose Reserve (War memorial). The status and the future use of this land is controlled and staff are currently investigating the options. Clarification is being sought from the Ministry of Culture and Heritage about any obligations we may have regarding removing a war memorial. A report will be presented at September Council meeting.
- 2.3 A workshop was held with Council after the last meeting on the Wildfoods Festival, with a view to seeking input from elected members on how this event could look in the future. A report is on the agenda today as a follow up to that workshop.
- 2.4 The CE attended a meeting at Selwyn District Council on 26 August to discuss ways Local Government NZ and the Society of Local Government Managers could work more closely together for the benefit of the sector as a whole.
- 2.5 The CE attended a forum in Wellington on Tuesday 27 August for the NZ Cycle Trails that was focused on marketing the trails. It is important that the West Coast Wilderness Trail is connected to this national network, as there is much leverage from being recognised as one of the Great Rides.
- 2.6 Council staff have identified a portion of land surplus to needs around Blue Spur Water Treatment Plant. Because of its shape and size the land is not suitable for any purpose to be marketed for sale. Section 40 (2) and 40(4) provides powers to the Chief Executive that *if because of the size, shape, or situation of the land he or it*

could not expect to sell the land to any person who did not own land to be sold, the land may be sold to an owner of adjacent land at a price negotiated between the parties. On the recommendation of staff the CE has instructed that the land to be offered to the adjacent land owner –Mark Pizey. An aerial picture of land parcel to be sold is attached in **Appendix 1** of this report.

- 2.7 A staff project team is working on the Annual Report with a view to meet the statutory deadline of 31 October 2013.

3.0 RECOMMENDATION

- A) **THAT** the report of the Chief Executive titled “Chief Executive’s Report” dated 29 August 2013 be received.

Tanya Winter
Chief Executive

Appendix 1



Scale 1:2000
Date 2010

Proposed sale of surplus land

The information displayed on this map has been taken from Westland District Council's GIS and Databases. It is made available in good faith, but its accuracy and completeness is not guaranteed.



Cadastral Data Derived from LINZ's CRS
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Report



DATE: 29 August 2013

TO: Mayor and Councillors

FROM: Acting Group Manager – Corporate Services

WHATAROA CEMETERY COMMITTEE– APPOINTMENT OF NEW TRUSTEES

1.0 SUMMARY

- 1.1 The purpose of this report is to seek Council approval for two new Trustees for the Whataroa Cemetery Committee.
- 1.2 This issue arises from a requirement in the Burial and Cremations Act regarding the appointment of Trustees for Cemetery Committees, whereby “Every appointment of Trustees by a local authority pursuant to a delegation under Subsection (1) shall be publicly notified in the district wherein the cemetery is situated, and it shall not be necessary to notify any such appointment in the Gazette”.
- 1.3 The Council is required to give effect to the purpose of local government as prescribed by section 10 of the Local Government Act 2002. That purpose is:
- (a) To enable democratic local decision-making and action, by and on behalf of, communities; and
 - (b) To meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
- 1.4 Council seeks to meet this obligation and the achievement of the district vision set out in the Long Term Plan 2012-22. The matters raised in this report relate to those elements of the vision identified in the following table.

Vision's Objectives	Achieved By
Involving the community and stakeholders	Approving trustees so that the governance and management of district cemeteries can be carried out.

- 1.5 This report concludes by recommending that Council approves the trustees listed in Appendix A to the Whataroa Cemetery Committee.

2.0 BACKGROUND

- 2.1 As required under the Burial and Cremations Act every appointment of trustees by a local authority pursuant to a delegation under Subsection (1) *"shall be publicly notified in the district wherein the cemetery is situated, and it shall not be necessary to notify any such appointment in the Gazette."*

3.0 CURRENT SITUATION

- 3.1 Audit New Zealand have requested that when a new Trustee is elected they must obtain the approval of the relevant District Council and then advertise the change. Unfortunately this did not occur and subsequently two new Trustees were elected (one in 2009 and one in 2012).

4.0 OPTIONS

- 4.1 Option 1 is to approve the two new Trustees.
4.2 Option 2 is to not approve the two new Trustees.

5.0 SIGNIFICANCE AND CONSULTATION

- 5.1 In accordance with Council's Policy on Significance, this decision is of low significance.
5.2 The Whataroa Cemetery Committee held an AGM in accordance with their constitution and elected the new trustees.

6.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 There are no financial implications to Council.

7.0 PREFERRED OPTION AND REASONS

- 7.1 The preferred option is Option 1 above as the Whataroa Cemetery is run independently of Council and the members are elected by the Whataroa Cemetery Committee.

8.0 RECOMMENDATION

- A) **THAT** Council approve the addition of Mrs Bernadette Friend (effective March 2009) and Mr Keith Kelly (effective March 2012) as Trustees on the Whataroa Cemetery Committee.

Stephen Halliwell

Acting Group Manager – Corporate Services

Report



DATE: 29 August 2013

TO: Mayor and Councillors

FROM: Manager: Planning and Regulatory

ANNUAL REPORT ON DOG CONTROL POLICY AND PRACTICES

1.0 SUMMARY

- 1.1 The purpose of this report is to allow Council the opportunity to adopt an Annual Report on Dog Control Policy and Practices.
- 1.2 This issue arises from the statutory duty pursuant to the provisions of Section 10A of the Dog Control Act 1996 to provide an Annual Report.
- 1.3 The Council is required to give effect to the purpose of local government as prescribed by section 10 of the Local Government Act 2002. That purpose is:
- (a) To enable democratic local decision-making and action, by and on behalf of, communities; and
 - (b) To meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
- 1.4 Council seeks to meet this obligation and the achievement of the district vision set out in the Long Term Plan 2012-22. The matters raised in this report relate to those elements of the vision identified in the following table.

Vision's Objectives	Achieved By
Involving the community and stakeholders.	Keeping the public informed on dog control in the District.

- 1.5 This report concludes by recommending that Council adopt the report on Dog Control Policy and Practices (attached as **Appendix 1**).

2.0 BACKGROUND

- 2.1 It is a requirement of Section 10A of the Dog Control Act 1996 to prepare a report on Dog Control Policy and Practices. After the adoption of the report a copy is required to be made available to the Secretary for Local Government.
- 2.2 It has been a statutory duty to supply such a report for nine years.

3.0 CURRENT SITUATION

- 3.1 Council last adopted a report for the year ended 30 June 2012. That report has been available on Council's website and a copy was forwarded to the Secretary for Local Government.

4.0 OPTIONS

- 4.1 This is a statutory duty and Council is required to adopt a report.
- 4.2 The report itself, however, can be in any form within the statutory requirement.

5.0 SIGNIFICANCE AND CONSULTATION

- 5.1 There is some public interest in dog control generally but the adoption of the report is considered to be of low significance in accordance with Council's Policy on Significance.
- 5.2 The report is adopted without consultation but is available to inform and advise the public on Dog Control Policy and Practices in Westland.

6.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 This is a statutory function and not one on which Council has any choice.
- 6.2 Council does, however, have a choice on the contents of the report. A draft report is attached.

7.0 PREFERRED OPTION AND REASON

- 7.1 The adoption of the draft report is the preferred option so that the legislative requirement can be met.

8.0 RECOMMENDATION

- A) **THAT** the report on Dog Control Policy and Practices for the year ending 30 June 2013 be adopted, a copy forwarded to the Secretary for Local Government and the report be made available on Council's website.

Appendix 1: Report on Dog Control Policy and Practices for year ended 30 June 2013.

Richard Simpson

Manager: Planning and Regulatory

Appendix 1



REPORT ON DOG CONTROL POLICY AND PRACTICES

This report is prepared pursuant to the provisions of Section 10A of the Dog Control Act 1996 for the year ended 30 June 2013. This is the ninth annual report prepared pursuant to the Act.

Statistics:

	04-05	05-06	06-07	07-08	08-09	09-10	10-11	11-12	12-13
The number of registered dogs in the District.	1472	1455	1449	1441	1489	1484	1511	1458	1561
The number of probationary owners and disqualified owners.	0	0	0	0	0	0	0	0	0
The number of dogs classified as dangerous.	0	0	0	0	0	0	0	0	0
The number of dogs classified as menacing.	0	0	0	0	0	0	0	2	9
The number of infringement notices issued by the Council.	56	26	10	11	18	26	19	16	70
The number of dog related complaints received by the Council and (since August 2007) the Contractor.	34	47	51	130	109	86	110	133	184
The number of prosecutions taken by the Council under the Act.	10	6	3	11	18	13	12	1	27

Staff

The Council continues to employ a contractor to undertake dog control duties throughout the District. The contractor has, since August 2010, been the Hokitika Branch of the RSPCA. The contract was renewed in June 2012 for a three year period after a review of contractual arrangements. The Council values the contractual relationship with the Society as Council believes that a better standard of dog control can be achieved by having an emphasis on animal welfare as well as the statutory dog control function. The contractor's performance is monitored on a monthly basis.

Policy on Dogs

The current Policy on Dogs was adopted in April 2010 after completing the Special Consultative Procedure.

A feature of the Policy is that there is a determined movement towards a more effective relationship with the Hokitika Branch of the Royal Society for the Prevention of Cruelty to Animals (SPCA) with a strategic alliance focusing on animal welfare. The Council has always regarded “dog control” as the statutory minimum and the policy seeks an overall improvement in animal welfare knowledge and practice leading to an improvement in dog control.

There has not been any amendment to the Policy on Dogs during the year under review.

Dog Control

Dog Control continues to be concentrated on Hokitika and Kaniere. Periodic control functions are undertaken at Ross and Kumara with other areas of the District being covered on an as-required basis.

The number of complaints received about dogs has continued to increase. This is most likely due to more effective record systems as well as a more determined approach by the Contractor to ensure that all dog complaints are properly recorded. This analysis may be clearer when the next external satisfaction survey has been completed.

In the last 12 months Council has focused on the menacing dog provisions of the Act and utilised this regulatory regime to more effectively monitor issues around menacing dogs. There are 9 dogs classified as menacing; 2 by virtue of breed and 7 by virtue of behaviour.

Dog Registration

Dog control fees for the year remained at \$74.00 for dogs registered within the Hokitika and Kaniere Townships and \$58.50 for dogs registered in other areas. Dog registration fees also included a 50% penalty additional to the registration fee for late payment. The costs associated with dog registration and dog control are funded entirely by dog registration fees.

External Satisfaction Survey

An external satisfaction survey is undertaken on a biannual basis. The results of the last biannual external satisfaction survey indicated that 35% of residents are very/just satisfied with the control of dogs in the District, 27% were not very/not at all satisfied and 38% did not know. The Council is encouraged by this result.

Adopted 2013

Report



DATE: 29 August 2013

TO: Mayor and Councillors

FROM: Community Services Officer

RESERVE FUND DELEGATIONS

1.0 SUMMARY

- 1.1 The purpose of this report is to consider the efficient operation of reserve fund budgets and to outline the key elements of the accountability process to be put in place for those organisations contracted to hold and spend the funds.
- 1.2 This issue arises from unclear expectations as to who can access, spend and control some reserve funds.
- 1.3 The Council is required to give effect to the purpose of local government as prescribed by section 10 of the Local Government Act 2002. That purpose is:
- (a) To enable democratic local decision-making and action, by and on behalf of, communities; and
 - (b) To meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
- 1.4 Council seeks to meet this obligation and the achievement of the district vision set out in the Long Term Plan 2012-22. The matters raised in this report relate to those elements of the vision identified in the following table.

Vision's Objectives	Achieved By
Involving the community and stakeholders Having inspirational leadership Having expanded development	The allocation of reserve funds to communities of interest and accountability documentation.

opportunities Having top class infrastructure for all communities Living the 100% Pure NZ brand	
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- 1.5 This report concludes by recommending that Council make clear the delegation for the spending of some reserve funds, so as to allow for the efficient administration of these funds.

2.0 BACKGROUND

- 2.1 The Franz Josef Community Council and Fox Glacier Community Development Society have in recent years been granted \$70,000 in alternate years for township maintenance/development.
- 2.2 The other five townships - Kumara, Ross, Harihari, Whataroa and Haast have been on a five-yearly rotational cycle to receive \$70,000 for the same purposes, although some townships appear to have missed their turn. In the past, this cycle has not been well documented.
- 2.3 In adopting the annual plan 2013/14, Council resolved to change the funding for township funding so that each township received funding annually; thus removing the rotational cycle. Council also affirmed that these funds will be held in reserve whether they are spent annually or not.
- 2.4 This is a change from previous annual plans where invoices for the township development funds have been sent to Council (when it has been the turn of those townships to do so) but there has been no accountability in place for the spending of those funds.
- 2.5 New rules have been implemented on the release of reserve funds. In summary, no money can be taken from a reserve except by Council resolution. This report recommends resolutions to allow for some of those funds to be spent.

3.0 CURRENT SITUATION

- 3.1 There are inequities in the present system. Some years, townships have not known when it has been their turn in the cycle and/or the bulk of their grant has not been spent. Towards the end of the financial year, there has sometimes been a scramble to spend a grant. There needs to be a fairer system of grants which the new recommendation will allow for.

- 3.2 Officers plan to improve accountabilities and have clear rules around the access to and use of these funds.
- 3.3 Time has not allowed for discussions with each of these groups about their funding needs and our accountability requirements. These discussions need to occur ahead of any funds being released. This report is intended to make it clear who officers are negotiating with.
- 3.4 Some reserves are called on at the discretion of Her Worship the Mayor. The Mayor is required to have a delegation to be able to call upon these reserves, as seeking Council prior approval is not practical for the efficient administration of these reserves.

4.0 OPTIONS

- 4.1 Adopt a new process of bulk funding, including clear accountability requirements, and identify the appropriate organisation to administer the Council funds under delegation.
- 4.2 Council retains control and requires all matters to be approved by Council.

5.0 SIGNIFICANCE AND CONSULTATION

- 5.1 This is administrative and therefore has low significance for Council as it is implementing commitments made by Council during the Annual Plan process.
- 5.2 The Annual Plan process has gone through the special consultative procedure. Submissions have been received and they have been considered.

6.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 Option 4.1 is the preferred process.
- 6.2 The advantages of the new process are that there will be limited Council processing of accounts, local communities will be empowered to make their own decisions through their community associations in a transparent manner after community consultation, local communities will be able to choose to save up the funds and retain them in Council Reserve or spend them as the financial year proceeds.
- 6.3 Appropriate accountability agreements would be drafted and signed by both Council and township community groups, thereby ensuring that local

communities were accountable back to Council for their spending of those funds.

- 6.4 It is intended that the negotiated agreements will ensure that ratepayers funds are protected. Part of this protection will be that the associations are legal entities, and they are provided no more than 6 months annual expenditure from the reserve at any one time. This avoids potentially large sums of ratepayer monies accumulating in association's bank accounts.
- 6.5 The disadvantages for Council are that funds could be spent for wrong purposes and there could be disagreement in the communities on where to spend funds.
- 6.6 Option 4.2 adds a significant, largely administrative role to Council meetings.

7.0 PREFERRED OPTION AND REASONS

- 7.1 Option 4.1 is the preferred option, adopting the new process which includes accountability declarations to be signed before the funds are released in any one year.

8.0 RECOMMENDATIONS

- 8.1 **THAT** the Reserve Delegation be as follows for the following registered groups:

Group	Reserve Fund	Legal Status	Allocation
Kumara Residents Trust	Kumara Township Fund	Charitable Trust	\$14,000
The Kowhitirangi Community Society Inc.	Kokatahi-Kowhitirangi Community Rate	Incorp. Society	\$8,000
Ross Community Society Incorporated	Ross Township Fund	Charitable Trust	\$41,000
Hari Hari Community Association Trust	Harihari Township Fund	Charitable Trust	\$14,000
Whataroa Community Association Inc.	Whataroa Township Fund	Incorp. Society	\$49,000
Franz Josef Community Council Inc.	Franz Township Fund	Incorp. Society	\$35,000
Fox Glacier Community Develop. Society Inc.	Fox Township Fund	Charitable Trust	\$51,000
The Haast Promotions	Haast Township	Incorp.	\$17,000

Group	Fund	Society	
Her Worship the Mayor	Mayor's Trust Funds	Council	\$31,217
Her Worship the Mayor	Euphemia Brown Bequest	Council	\$23,208

8.2 **THAT** outcomes, key performance indicators and an accountability document are to be agreed to by the township organisations and Council staff before the bulk funding is transferred to their bank accounts.

8.3 **THAT** money in reserve is held until the community group has identified a need for the money to be transferred for spending in six monthly periods.

Derek Blight
Community Services Officer

Report



DATE: 29 August 2013

TO: Mayor and Councillors

FROM: Event Manager

WILDFOODS FESTIVAL 2014

1.0 SUMMARY

- 1.1 The purpose of this report is for Council to decide the scope of Council operated 2014 Wildfoods Festival.
- 1.2 This issue arises from the 2013 Wildfoods Festival financial performance not meeting expectations and a number of risks and opportunities that have been identified. These include: it being the 25th anniversary of the event, contracts ending with all major suppliers of services, and changed community expectations and patterns of event attendance. It is also good practise to review an event like this on a regular basis.
- 1.3 The Council is required to give effect to the purpose of local government as prescribed by section 10 of the Local Government Act 2002. That purpose is:
- (a) To enable democratic local decision-making and action, by and on behalf of, communities; and
 - (b) To meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
- 1.4 Council seeks to meet this obligation and the achievement of the district vision set out in the Long Term Plan 2012-22. The matters raised in this report relate to those elements of the vision identified in the following table.

Vision's Objectives	Achieved By
Involving the community and stakeholders. Having inspirational leadership.	Running an event that is unique, fiscally prudent, involves the local community, and contributes to the

Having expanded development opportunities. Living the "100% Pure NZ" brand	economy.
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- 1.5 This report concludes by recommending that Council should operate the Wildfoods Festival as a 'one day' event on the Saturday from 10am to 6pm at Cass Square, and that camping facilities are available to festival goers.

2.0 BACKGROUND

- 2.1 The Wildfoods Festival has been operating in Hokitika for 24 years. For the first 3 years Council was not involved in the Festival. For the past 21 years Council has operated the Festival at Cass Square and has seen numbers grow to 22,500 attendees in 2003. Subsequently ticket sales were restricted to 12,000, at the insistence of Council with support from both the Police and Community and Public Health to create a more manageable event. Also in 2003 a liquor and glass ban was introduced to the CBD and this saw the introduction of security barriers and security guards.
- 2.2 The Festival has grown over the years from a one day event on a Saturday in one location, to Friday and Saturday night concerts and a market in central Hokitika. These added attractions have been provided by Council as part of the overall event, and have aimed at retaining people in the town for longer, so that they spend more. All of these extra events are subsidised by Council.
- 2.3 The Christchurch earthquake in February 2011 had a big impact on the target market festival goers with a significant decline in Festival attendance that year.
- 2.4 The Berl Economic Benefit 2012 report assessed the Festival provides and economic benefit to the Westland district of \$6.5m.

3.0 CURRENT SITUATION

- 3.1 Council received a report on the 2013 Festival in April. The report showed that the event made a \$25,000 deficit against the revised budget. Staff suggested that the event be reviewed and that options for a new Festival format be presented to Council for the 2014 event.
- 3.2 2014 will be the 25th year of the Festival. It has not had a significant review since 2003.
- 3.3 A review is also timely because all Wildfoods Festival contracts e.g. marquee hire, security, gatekeeping, toilets, campsites (at Sunset Point and Wadeson Island), beer and wine tents expired after the 2013 event.

3.4 In 2013 Council organised or operated:

- 3.4.1 Friday night Concert
- 3.4.2 Accommodation on Wadeson Island
- 3.4.3 Street closures and security Friday night
- 3.4.4 Friday night Markets and food vendors
- 3.4.5 Cass Square Festival
- 3.4.6 Saturday Markets
- 3.4.7 Cass Square Saturday Night Dance
- 3.4.8 Food Vendors Saturday night
- 3.4.9 Street Closures and security Saturday night

3.5 A staff project team have been working on options for the Festival in 2014. This team facilitated a workshop with Council in early August to clarify the rationale for Council's involvement in the event.

3.6 Council identified the following as important to the success of the event, and components that should be retained. These are:

- Attract visitors to the district
- Opportunity for community groups to fundraise
- Locals to feel part of it
- Unique, "wild", different food and entertainment
- Themed with opportunity to dress up in costume
- Focus on the core event, and provide opportunities for others to organise other activities over the weekend to add value
- Facilitate a range of accommodation options for festival goers.

3.7 It is proposed that the Wildfoods Festival focuses on the Cass Square event on the Saturday only.

4.0 OPTIONS

- 4.1 Keep the Wildfoods Festival status quo.
- 4.2 Streamline the operations of the Festival to a one day event at Cass Square on Saturday from 10 am until 6 pm with accommodation on Council reserves (Wadeson Island and Sunset Point).
- 4.3 Should Council require more information on other options between 4.1 and 4.2, this requires more analysis.

5.0 SIGNIFICANCE AND CONSULTATION

- 5.1 In accordance with Council's Policy on Significance this matter is assessed as being of low significance. The reason for this is that the Wildfoods Festival is identified as an activity in Council's Long Term Plan, and Council re-confirmed its commitment to this event in the 2013-14 Annual Plan.
- 5.2 Consultation was undertaken through the Annual Plan process on reductions in the events area, and Council resolved to retain the Wildfoods Festival. There will need to be discussion with the Wildfoods Festival key stakeholders, such as Enterprise Hokitika, Central Business Retail Group, volunteer organisations and market day organisers on the planned changes.

6.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 If the festival is retained in its current format the risk is that it is unable to meet budget again in 2014. Ticket prices would need to increase and this could have an adverse effect on attendance.
- 6.2 In proposing to re-format the festival, costs are reduced by focusing only on the Saturday event at Cass Square. The risk is that the public react negatively to a reduced event weekend. The other factor to consider is that in previous years the Wildfoods Festival budget has absorbed the pre-event costs associated with community groups organising activities and festival goers post-event partying in the town. This work and cost could potentially be transferred to other parts of Council, eg. Regulatory and Assets.

7.0 PREFERRED OPTION AND REASONS

- 7.1 The preferred option is that Council re-vamp the 2014 Wildfoods Festival and only organise the Saturday festival day at the Cass Square venue from 10 am until 6 pm.
- 7.2 This option is preferred as it allows for less financial risk while still delivering on the core values the festival provides to the community in economic, cultural and social areas. This will result in a festival that is more cost effective for households and business.
- 7.3 This option removes activities that are not cost effective and minimises risks for Council running events and operations late at night with all the associated people risks this brings. Other organisations or businesses could choose to operate events in conjunction with the Festival; Council's event department would encourage and promote these, but not organise them.

Council's regulatory and asset functions will facilitate the processing of any required licenses or permits.

- 7.4 Ensuring sufficient accommodation for the festival is essential to operating a successful event and it is proposed that Council should facilitate this to continue. Council reserves at Wadeson Island and Sunset Point have proven to be ideal for providing temporary accommodation. Similar to past years it is intended that Council enters into agreements with community organisations to operate these venues.
- 7.5 If Council moves to the new format for the event, staff would enter into 2 year contracts with suppliers and then look to align contracts with the Long Term Plan.

8.0 RECOMMENDATIONS

- A) **THAT** Council operate the Wildfoods Festival on Cass Square on Saturday 10 am until 6 pm only.
- B) **THAT** Council will ensure that camp facilities for Festival goers are available at Sunset Point and Wadeson Island.

Mike Keenan
Event Manager

Report



DATE: 29 August 2013

TO: Mayor and Councillors

FROM: Manager: Planning and Regulatory

SECTION 33 RMA: TRANSFER OF FUNCTIONS

1.0 SUMMARY

- 1.1 The purpose of this report is to give further preliminary consideration to a proposal to transfer certain resource management and District Plan functions from the Council to the West Coast Regional Council.
- 1.2 In order to sufficiently apprise Council of the background issues, this report necessarily repeats matters brought to the attention of the Strategy Committee in November 2012.
- 1.3 This issue arises from an initiative taken by the Strategy Committee and additional information being received from interested parties.
- 1.4 The Council is required to give effect to the purpose of local government as prescribed by section 10 of the Local Government Act 2002 Amendment Act 2012. That purpose is:
- (a) To enable democratic local decision-making and action, by and on behalf of, communities; and
 - (b) To meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
- 1.5 Council seeks to meet this obligation and the achievement of the district vision set out in the Long Term Plan 2012-22. The matters raised in this report relate to those elements of the vision identified in the following table.

Vision's Objectives	Achieved By
Involving the community and stakeholders	Consulting with and having regard for the views of important stake-holders and the community.

- 1.6 This report concludes by recommending that Council not proceed with any transfer at this stage.

2.0 BACKGROUND

- 2.1 Council is always open to new efficiencies and procedures where there is a benefit to the ratepayer or the public. In 2012, attention to the processes and procedures relating to resource consent applications for mining has highlighted an obvious duplication in that applicants invariably need to deal with both the District and Regional Council. The two Chief Executives had discussed the possibility of a transfer of functions and how it may be possible to bring about efficiencies with such a transfer. For an analysis of the statutory environment refer to **Appendix 1**.
- 2.2 The Chief Executives of the two Councils have agreed in principle to investigate transferring the District Council function to the Regional Council of:
- 2.2.1 Processing land use consent applications for mining in the Westland District as required by the Westland District Plan, and
- 2.2.2 Monitoring mining land use consents for compliance with consent conditions.
- 2.3 The Strategy Committee asked that interested parties be consulted. As a consequence the two Runanga, Minerals West Coast, Conservation Board, the Waimea Residents Catchment Group, Gold and Green Resources, the Regional Council, the Department of Conservation (DoC), the NZ Historic Places Trust (NZHPT) and Forest and Bird were consulted. A copy of the letter inviting responses is attached as **Appendix 2**.
- 2.4 No response was received from the NZHPT or Forest and Bird. A copy of the responses received is attached as **Appendix 3**.

3.0 CURRENT SITUATION

- 3.1 Applicants for resource consents for mineral activities generally deal with both authorities as a case of statutory necessity. In addition, applicants need to deal with land owners, and other statutory bodies such as DoC and NZHPT.
- 3.2 Section 30 of the Resource Management Act provides that the function of a regional council is the integrated management of the natural and physical resources of the region. Essentially, the Regional Council's regulatory influence is restricted to matters of water and soil conservation.
- 3.3 Section 31 of the Resource Management Act provides that the function of a territorial authority is the integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the District. A District Council's regulatory requirements extend across the

environment to encompass the management of noise, heritage, amenity effects, visual effects and the consideration of significant terrestrial ecosystems.

- 3.4 Now that the feedback has been received Council can reconsider the proposal to transfer some or all mining resource management functions to the Regional Council.
- 3.5 As anticipated, the question of “duplication” was seen to be important for the industry. The industry saw favour in the option of a “single application” which is an issue that had been considered by the Strategy Committee. Staff comment on this issue is that the industry could readily address this issue itself with an *all-purpose* application that covered Regional, District and DoC concession jurisdictions. The staff of all three jurisdictions would, obviously, assist.
- 3.6 An issue that is fundamental to the statutory roles of the two Councils was raised by Te Runanga o Makaawhio which observed that there are specific roles for each Council and that a single approach could be more complex. Staff comment is that the statute provides for separate jurisdictions for good reasons. Regional and District Councils have different approaches and are differently equipped to deal with different environmental considerations.
- 3.7 The industry noted frustrations in dealing with the District Council particularly with regard to timeframes. Staff comment on this aspect is that it is deficiencies in applications that bring about delays. The staff processing has come under extreme scrutiny in 2013 and has not been found to be deficient.
- 3.8 The industry also argued against the need to obtain consent at all. The industry holds the view that mining should be a permitted activity and that discretion and flexibility should be shown to the industry. Staff comment is that the Westland District Plan will continue to be the enabling document regardless of transfer or not. The RMA public consultative procedures will continue to dictate how the District Plan treats mining activities.

4.0 OPTIONS

- 4.1 Status quo.
- 4.2 Transfer processing, monitoring and compliance functions.
- 4.3 Transfer processing functions only.
- 4.4 Transfer monitoring and compliance functions only.
- 4.5 Status quo and review.

5.0 SIGNIFICANCE AND CONSULTATION

- 5.1 In accordance with Council’s Policy on Significance this matter is assessed as being of low significance.

- 5.2 Consultation at this stage has been limited to feedback from the industry as part of the work of the Strategy Committee. The transfer of functions must proceed through the special consultative procedures.

6.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 The status quo continues to work. Council staff are confident that all consents have been put in place with legal integrity. Council staff are less confident that monitoring (proactive) procedures are adequate as staff establishment is stretched at times to cope with the extent of community complaints.
- 6.2 The transfer of all functions is able to be undertaken pursuant to the Act (S33). In this case all applications will be made to the WCRC and this Council will cease to have any role. There will be no income and there will be no cost. Enquirers and applicants will be referred to the WCRC as a matter of course. In addition, procedures as to infringement and enforcement will be removed from local decision making.
- 6.3 The processing of all minerals applications could be transferred with residual issues staying with the Council. There are perceived advantages with this approach in that one of the grounds for the consideration of transfer is "duplication". Only one application would need to be made which would need to be comprehensive and cover the requirements of both Councils. The transfer of functions does not mean that existing district objectives, policies and rules are set aside in favour of a regional approach. The transfer would mean that the applications are considered by the Regional Council using the Westland District Plan. On the face of it this approach is without complexity and the issue is one of capacity in district v regional approach (see section 30 and 31 analysis above and attached). Council would need to have confidence that those particular issues provided for in the District Plan (the effects of land use) are going to be adequately dealt with by a consent authority that has a statutory function that is geared towards an environmental management function. The financial implications are not significant. The WCRC would recoup its expenses and District monitoring expenses could be recouped through appropriate conditions.
- 6.4 The monitoring of mining land use consents for compliance with consent conditions could be transferred to the Regional Council. This option leaves the consent process as a District responsibility so that the expertise in the consideration, interpretation and delivery of District objectives, policies, rules and outcomes are retained with an appropriate consent authority. There is little doubt that the WCRC does have specific monitoring skills that exceed those within existing District capacity. Through the use of appropriate conditions the WCRC would readily be able to recoup monitoring costs.
- 6.5 Staff have not been able to identify fundamental reasons to transfer all functions but do see merit in transferring monitoring functions because such a transfer would result in a proactive review of resource consent conditions on a regular basis. The

transfer of compliance monitoring and enforcement probably does have some efficiency because Council is under-resourced in terms of the availability of compliance staff. An option available is to review the way in which Council undertakes compliance monitoring generally. There is an opportunity to work in with the WCRC to prepare and test a single application form for mining which would cover the statutory duties and functions of both authorities or to work with the industry to compile specific and comprehensive application documents. There is also potential for such an approach to be used on a Region wide basis.

7.0 PREFERRED OPTION AND REASONS

- 7.1 Staff advice is that, there is little reason to transfer mineral extraction resource consent applications to another consent authority. The early assumptions that there are issues of “duplication” and “efficiency gains” are not clear. The suggestion that two applications are an encumbrance over one application misses the obvious point that the “single” application now needs to address a wider range of issues and be a comprehensive document. Additionally, the management of the effects of land use is a statutory function of district councils only. The consultative procedure established with the stakeholders has not identified innovative approaches and feedback beyond “duplication” is scant.
- 7.2 Staff opinion is that the simple transfer of functions may not be addressing the issues that the industry perceives to exist.

8.0 RECOMMENDATION

- 8.1 That no further action to transfer functions relating to mining resource consents be taken at this time.

Appendix 1: Sections 30, 31 and 33 RMA1991.

Appendix 2: Copy of letter requesting feedback.

Appendix 3: Copies of responses to feedback request.

Richard Simpson
Manager Planning and Regulatory



Appendix 1

Resource Management Act 1991

30 Functions of regional councils under this Act

- (1) Every regional council shall have the following functions for the purpose of giving effect to this Act in its region:
- (a) The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region:
 - (b) The preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land which are of regional significance:
 - (c) The control of the use of land for the purpose of—
 - (i) Soil conservation:
 - (ii) The maintenance and enhancement of the quality of water in water bodies and coastal water:
 - (iii) The maintenance of the quantity of water in water bodies and coastal water:
 - [(iia) the maintenance and enhancement of ecosystems in water bodies and coastal water:]
 - (iv) The avoidance or mitigation of natural hazards:
 - (v) The prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances:
 - [(ca) the investigation of land for the purposes of identifying and monitoring contaminated land:]
 - (d) In respect of any coastal marine area in the region, the control (in conjunction with the Minister of Conservation) of—
 - (i) Land and associated natural and physical resources:
 - [(ii) the occupation of space in, and the extraction of sand, shingle, shell, or other natural material from, the coastal marine area, to the extent that it is within the common marine and coastal area:]
 - (iii) The taking, use, damming, and diversion of water:
 - (iv) Discharges of contaminants into or onto land, air, or water and discharges of water into water:
 - [(iva) The dumping and incineration of waste or other matter and the dumping of ships, aircraft, and offshore installations:]
 - (v) Any actual or potential effects of the use, development, or protection of land, including the avoidance or mitigation of natural hazards and the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances:

- (vi) The emission of noise and the mitigation of the effects of noise:
 - (vii) Activities in relation to the surface of water:
 - (e) The control of the taking, use, damming, and diversion of water, and the control of the quantity, level, and flow of water in any water body, including—
 - (i) The setting of any maximum or minimum levels or flows of water:
 - (ii) The control of the range, or rate of change, of levels or flows of water:
 - (iii) The control of the taking or use of geothermal energy:
 - (f) The control of discharges of contaminants into or onto land, air, or water and discharges of water into water:
 - [(fa) if appropriate, the establishment of rules in a regional plan to allocate any of the following:
 - (i) the taking or use of water (other than open coastal water):
 - (ii) the taking or use of heat or energy from water (other than open coastal water):
 - (iii) the taking or use of heat or energy from the material surrounding geothermal water:
 - (iv) the capacity of air or water to assimilate a discharge of a contaminant:]
 - [(fb) if appropriate, and in conjunction with the Minister of Conservation,—
 - (i) the establishment of rules in a regional coastal plan to allocate the taking or use of heat or energy from open coastal water:
 - (ii) the establishment of a rule in a regional coastal plan to allocate space in a coastal marine area under Part 7A:]
 - (g) In relation to any bed of a water body, the control of the introduction or planting of any plant in, on, or under that land, for the purpose of—
 - (i) Soil conservation:
 - (ii) The maintenance and enhancement of the quality of water in that water body:
 - (iii) The maintenance of the quantity of water in that water body:
 - (iv) The avoidance or mitigation of natural hazards:
 - [(ga) the establishment, implementation, and review of objectives, policies, and methods for maintaining indigenous biological diversity:]
 - [(gb) the strategic integration of infrastructure with land use through objectives, policies, and methods:]
 - (h) Any other functions specified in this Act.
- [(2) A regional council and the Minister of Conservation must not perform the functions specified in subsection (1)(d)(i), (ii), and (vii) to control the taking, allocation or enhancement of fisheries resources for the purpose of managing fishing or fisheries resources controlled under the Fisheries Act 1996.]
- [(3) However, a regional council and the Minister of Conservation may perform the functions specified in subsection (1)(d) to control aquaculture activities for the purpose of avoiding,

remedying, or mitigating the effects of aquaculture activities on fishing and fisheries resources.]

- [(4) A rule to allocate a natural resource established by a regional council in a plan under subsection (1)(fa) or (fb) may allocate the resource in any way, subject to the following:
- (a) the rule may not, during the term of an existing resource consent, allocate the amount of a resource that has already been allocated to the consent; and
 - (b) nothing in paragraph (a) affects section 68(7); and
 - (c) the rule may allocate the resource in anticipation of the expiry of existing consents; and
 - (d) in allocating the resource in anticipation of the expiry of existing consents, the rule may—
 - (i) allocate all of the resource used for an activity to the same type of activity; or
 - (ii) allocate some of the resource used for an activity to the same type of activity and the rest of the resource to any other type of activity or no type of activity; and
 - (e) the rule may allocate the resource among competing types of activities; and
 - (f) the rule may allocate water, or heat or energy from water, as long as the allocation does not affect the activities authorised by section 14(3)(b) to (e).]

Resource Management Act 1991

31 Functions of territorial authorities under this Act

- (1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:
- (a) The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:
 - [(b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—
 - (i) the avoidance or mitigation of natural hazards; and
 - (ii) the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and
 - [[(iia) the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:]]
 - (iii) the maintenance of indigenous biological diversity:]
 - (c) *Repealed.*
 - (d) The control of the emission of noise and the mitigation of the effects of noise:
 - (e) The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:
 - (f) Any other functions specified in this Act.

- [(2) The methods used to carry out any functions under subsection (1) may include the control of subdivision.]

Resource Management Act 1991

33 Transfer of powers

- [(1) A local authority may transfer any one or more of its functions, powers, or duties under this Act, except this power of transfer, to another public authority in accordance with this section.]
- [(2) For the purposes of this section, **public authority** includes—
- (a) a local authority; and
 - (b) an iwi authority; and
 - (c) *Repealed*.
 - (d) a government department; and
 - (e) a statutory authority; and
 - (f) a joint committee set up for the purposes of section 80; and
 - (g) a local board (within the meaning of section 4(1) of the Local Government (Auckland Council) Act 2009.)
- (3) *Repealed*.
- (4) A local authority shall not transfer any of its functions, powers, or duties under this section unless—
- [(a) it has used the special consultative procedure set out in section 83 of the Local Government Act 2002; and]
 - (b) Before using that special consultative procedure it serves notice on the Minister of its proposal to transfer the function, power, or duty; and
 - (c) Both authorities agree that the transfer is desirable on all of the following grounds:
 - (i) The authority to which the transfer is made represents the appropriate community of interest relating to the exercise or performance of the function, power, or duty;
 - (ii) Efficiency;
 - (iii) Technical or special capability or expertise.
- (5) *Repealed*.
- (6) A transfer of functions, powers, or duties under this section shall be made by agreement between the authorities concerned and on such terms and conditions as are agreed.
- (7) A public authority to which any function, power, or duty is transferred under this section may accept such transfer, unless expressly forbidden to do so by the terms of any Act by or under which it is constituted; and upon any such transfer, its functions, powers, and duties shall be deemed to be extended in such manner as may be necessary to enable it to undertake, exercise, and perform the function, power, or duty.
- (8)

A local authority which has transferred any function, power, or duty under this section may change or revoke the transfer at any time by notice to the transferee.

- (9) A public authority to which any function, power, or duty has been transferred under this section, may relinquish the transfer in accordance with the transfer agreement.

Appendix 2

FILE REF: RMA 13

28 January 2013

Dear Sir

SECTION 33 RESOURCE MANAGEMENT ACT 1991: TRANSFER OF FUNCTIONS

Council has given preliminary consideration to the desirability or otherwise of transferring its minerals Resource Management Act functions to the West Coast Regional Council (Section 33 RMA 1991).

The point of Council's consideration of the possibility of transferring minerals functions was because of the outcome of informal discussions with a representative of the minerals industry which indicated that "duplication" was a major issue for the industry in that it had to deal with both the Regional and District Councils.

Subsequent informal discussion at management and staff levels identified the possibility of efficiencies.

Council's preliminary assessment is that the assumptions that there are issues of "duplication" and "efficiency gains" are not clear. The suggestion that two applications are an encumbrance over one application misses the obvious point that the "single" application would need to address a wider range of issues and be a comprehensive document. Additionally, the District Council has noted that the management of the effects of land use is a statutory function of District Council's only (Section 30 and 31 RMA 1991).

Council does wish to continue to explore the transfer of minerals functions and is seeking the input from the wider minerals industry. The purpose of this letter is to encourage you to provide feedback to the Council on the concept of the transfer of District Council minerals functions to the West Coast Regional Council for processing land use consent applications for mining in the Westland District (as required by the Westland District Plan) and monitoring mining land use consents for compliance with consent conditions.

Council would appreciate your feedback.



Richard Simpson
Manager: Planning and Regulatory

RS/KM

From: Francois Tumahai <francois@ngatiwaewae.org.nz>
Sent: Monday, 24 June 2013 9:08 p.m.
To: Richard Simpson
Subject: Tranfer of Functions
Attachments: mpr-ltr-section 33 resource management act 1991 transfer of functions.doc

Kia ora Richard

Te Rūnanga o Ngāti Waewae would support this transfer of functions to West Coast Regional Council. Duplication from our perspective is a problem as you will be aware I have to work with 5 councils.

Naku noa

na **Francois Tumahai**
Chairman



Managing Director



Phone 0508-7862642

Mobile 021-425-229

Email francois@ngatiwaewae.org.nz

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Richard Simpson

From: Susan Wallace <makawhio1@xtra.co.nz>
Sent: Monday, 17 June 2013 2:06 p.m.
To: Richard Simpson
Cc: rachel Forsyth
Subject: Re: Letter concerning mining....

Kia ora Richard

I have followed up whether we had made a response to your original letter and found a letter that was drafted dated 3 April 2013, but I was not sure whether it was actually sent.

In the event that it was not, Te Rūnanga o Makaawhio do not support the proposal that Westland DC transfers it's Minerals Resource Management Act functions to the West Coast Regional Council, preferring the status quo to remain operational.

While on the surface, a combining of functions of each council could indicate a more streamlined process, we do not believe in practice that would be the result and as the councils each have separate areas of responsibilities, it could complicate the application process even more.

Kai te mihi
Susan Wallace
Tumuaki

----- Original Message -----

From: Richard Simpson
To: Susan Wallace
Sent: Thursday, June 06, 2013 9:13 AM
Subject: Letetr concerning mining....

Susan....

Thanks for looking at this. I would value your opinion.

Richard Simpson

Manager Planning & Regulatory

DDI +64 3 784 2143 M +64 21 431 791 F +64 3 784 2144 Email richard.simpson@westlanddc.govt.nz

Westland District Council, 16 Weld Street, P.O. Box 704, Hokitika 7842 www.westland.govt.nz

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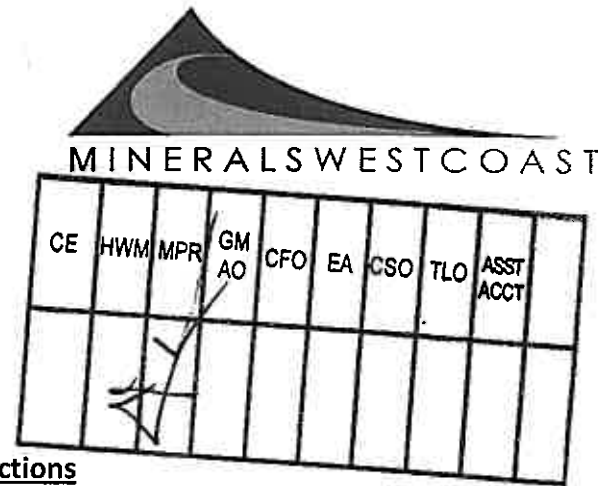
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SCANNED

RMA13

The Westland District Council
Private Bag 704
Hokitika 7842

CC Richard Simpson
Manager: Planning and Regulatory



Re: Mining Resource Consent Functions

Thank you for the opportunity to comment on the proposed transfer of the Council's Mining Resource Consent functions to the West Coast Regional Council.

Minerals West Coast is in support of any move that seeks to improve the efficiencies and remove complications and duplications for organisations seeking to invest in the Westland minerals industry.

Currently a considerable overlap exists in the information required by the Westland District Council (WDC) and the West Coast Regional Council (WCRC).

The WCRC currently has an application and evaluation process that with some amendment could also include the statutory responsibilities of the WDC.

The table below seeks to compare the information requirements of WDC and WCRC in relation to resource consent applications for mining activities.

Resource Consent Application Requirements	West Coast Regional Council	Westland District Council	Comment
Site Plans	✓	✓	
Description of operation <ul style="list-style-type: none"> • Machinery • Hours • Duration 	✓	✓	
Water Management <ul style="list-style-type: none"> • Water take • Sediment control • Water discharge • Water quality 	✓	✓	
Landscape and Amenity	✓ (contained within the assessment of environmental effects section of the	✓	The WCRC would need to reference the Westland plan.

The current Westland Council planning processes as they relate to mining activities represent a considerable barrier and discouragement to mining companies seeking to operate in the Westland district.

It is also noted that a number of the areas where WDC currently requires evidence of ability to comply with WDC Standards, WDC does not currently have a compliance inspection regime or published Standards. By working with the WCRC their compliance team could also monitor compliance with the Westland Plan requirements.

The difference between the requirements of WDC and the WCRC can at times also cause confusions.

For example:-

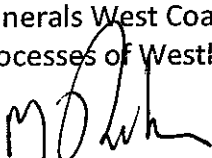
Fish & Game as an effective party and the WCRC require a five meter no mining buffer zone to water ways whereas WDC requires a ten meter buffer zone.

It would be helpful to standardise these types of anomalies to reduce confusion.

Minerals West Coast is also aware of frustrations within the industry in relation to processing timeframes of resource consent applications in Westland. Minerals West Coast believes that a transfer of consenting functions from WDC to WCRC will expedite the consent process and encourage greater investment in the Westland and West Coast economies.

If Councillors would like to visit a range of mining sites in the Grey district to discuss the application of the Grey District Plan, I would be delighted to organise a visit to a selection of active mining sites.

Minerals West Coast supports the initiative to transfer the Mining Resource Consent processes of Westland District Council to the West Coast Regional Council.


Peter O'Sullivan
Manager

C/- Department of Conservation
Private Bag 701
HOKITIKA 7842
Attn: Board Support Officer

SCANNED

19 FEB 2012

My Ref: SBC-14-11-06
Your Ref: RMA 13

18 February 2013

Richard Simpson
Manager Planning and Regulatory
Westland District Council
Private Bag 704
HOKITIKA 7842

RMA13

CE	HWM	MPR	GM AO	CFO	EA	CSO	TLO	ASST ACCT

Dear Richard

**TRANSFER OF FUNCTIONS SECTION 33 RESOURCE MANAGEMENT ACT
1991**

The West Coast *Tai Poutini* Conservation Board has become familiar with the procedures Councils follow relating to mining resource consents.

However, any changes proposed are, in the Board's view, best discussed between applicants and the councils based on their cumulative experience.

If what is proposed, as a result of these discussions reduces duplication without compromising statutory obligations or policies in council plans, then it should be pursued.

Yours sincerely



Stewart Robertson
Chairperson

Consultation--legal definition

2.1 Overview of Consultation

Local authorities often recognise the need for consultation as well as their obligations to consult. However, there is often a lack of clarity around the nature of consultation. While not a legal definition, consultation can be identified as:

A way of engaging with the community to improve understanding of the communities views on a specific proposal or issue.

It provides communities with an opportunity to participate in the development of Council policies, strategic decisions and as a way for Council to test new ideas. Quality consultation enhances decision-making by receiving information, opinions, ideas and feedback from communities about their different needs and priorities, all of which helps to identify and avoid pitfalls.

Stakeholders need to have sufficient information to participate effectively in the consultation process. The process must be clear and all participants must be informed about how their input will be used along with the method of feedback. The process as well as the outcome is important if the community is to be made to feel it has real and influential input into the process.

In the *Wellington International Airport Limited v Air New Zealand* (1991) case, the Court of Appeal found the following points fundamental elements of consultation:

- ☐ The statement of a proposal not yet decided upon
- ☐ Listening to what others have to say and considering responses
- ☐ Sufficient time must be allowed and a genuine effort must be made
- ☐ People who are being consulted with must be given enough information so as to be able to make intelligent and useful responses
- ☐ The consulting party must keep its mind open and be prepared to change or even start afresh, although it is entitled to have a working plan already in mind
- ☐ The party obliged to consult must hold meetings, provide relevant information and further information on request and wait until those being consulted have had a say before making a decision

Richard Simpson

From: Awatuna Homestead <rest@awatunahomestead.co.nz>
Sent: Thursday, 31 January 2013 1:55 p.m.
To: Richard Simpson
Subject: Hemi replies re Section33 Resource Management Act letter

Importance: High

Good afternoon Richard,

This email is to advise that I have received your written correspondence in the matter of Section 33 Resource Management Act – Transfer of Functions.

I will email a copy to the other parties who may be interested and I am sure you will receive replies to this request.

Thank you again.

Sincerely,

Hēmi

Pauline and Hemi Te Rakau

Awatuna Homestead



Classic Country Accommodation



9 Stafford Road, Awatuna, RD 2
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27 Feb 2013

WEST COAST COMMERCIAL GOLD MINER'S ASSOCIATION INC.

P.O.BOX 115

HOKITIKA 7842

Ph/fax 03 7557412

wood.john@clear.net.nz

27 February 2013

SCANNED

**The Manager, Planning and Regulatory
Westland District Council
Private Bag 704
HOKITIKA**

Attn: Richard Simpson

Dear Richard

RMA13

CE	HWM	MPR	GM AO	CFO	EA	CSO	TLO	ASST ACCT

Section 33 RMA 1991 : Transfer of Functions

Thank you for the opportunity to comment on the above. As you will be aware for a number of years the Association has been most unhappy at the way that resource consents for alluvial mining have been processed by the Westland District Council given there have been no changes to the operative District Plan only to the personnel charged with interpreting it. We have raised these concerns before and indeed you attended a meeting to hear these raised by some of our membership but nothing changed, if anything things got worse. It astonished me that given you had encouraged me and later Ian Hustwick to represent the Westland District Council at Minerals West Coast (MWC) from the time it was set up that things had become so bad between the two organisations that they were not on speaking terms by late 2012. This can be put down entirely to the way resource consent processing has been handled and not just for the mining industry and it has cost Westland dearly in terms of both investment and jobs.

You mention the issue of duplication as the major concern and there is certainly is a considerable amount of this but that is not the core of the matter. The key is the interpretation of the plan and here we would emphasise that alluvial mining is a discretionary activity in Westland rather than a permitted activity as it is in the neighbouring Grey District. This suggests that the land use impacts are generally no more than minor and that therefore the discretion would be used to enable mining to occur with appropriate conditions rather than prevent it. It has not escaped the Association's notice that humping and hollowing is a permitted activity under the WDC plan and when carried out on the scale of that at Cranley Farms dwarves most alluvial operations in both area, time taken to complete and machinery used.

Our experience is that the Regional Council staff do use the discretion and the flexibility their plans allow in processing resource consent applications for alluvial mining. Addressing the issues in a single application document would be a considerable saving

for most applicants as many of the questions asked in the application forms are the same or have minor differences. The added bonus is that the WCRC have their own separate compliance staff to monitor the consents who are involved when the conditions are set for a consent and set these from a practical perspective.

Over the past few years a number of our members have experienced long delays in processing applications, multiple requests for additional information regarding the applications and additional costs for providing expert reports on various issues which have in some cases led to miners choosing not to invest in the District. It is a sad reflection on the Council that in a few short years it has gone from being one of the best to deal with in terms of obtaining consents to carry out alluvial mining to amongst the worst.

Short of the Council instituting a plan change to make alluvial mining a permitted activity in the rural zone which would be our preferred option, transferring the minerals functions to the West Coast Regional Council is an option the Association supports.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Wood', written in a cursive style.

John Wood
Executive Director



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RMA 13

CE	HWM	MPR	GM AO	GFO	EA	CSO	TLO	ASST ACCT
		✓						

RECEIVED
4 FEB 2013

SCANNED

Richard Simpson
Manager Planning and Regulatory
Westland District Council
Private Bag 704
Hokitika 7842

1 February 2013

Dear Richard

Proposed Transfer of RMA Functions: Mining consents and compliance

This has previously been discussed between the CEOs, the Mayor and the Regional Council Chairman. As previously advised, the regional council is supportive of the transfer.

The potential efficiency gains are real: Our staff are already doing regular (bi-annual) compliance monitoring visits at all mine sites in the region. Monitoring compliance with Westland District Council consent conditions would fit well with these existing site visits, at little or no extra time or cost to the consent holder.

The consents staff here are already processing various consents required under our regional plans, for these same mine sites. We are confident that it would be efficient for us to assume the district plan consenting role - due to our staff being familiar with the sites, the applicants and their various mining proposals. The unitary authorities in Tasman and Marlborough deliver both District and Regional Plan consenting and compliance services simultaneously, with efficiencies gained, and we would seek to replicate that should this transfer proceed.

Please advise if you wish to proceed with the transfer as our council are supportive of this occurring. They see it as establishing a 'One Stop Shop' for the mining industry, at our Paroa offices.

I also note that the transfer of septic tank inspections from the regional council to the district council building inspectors has worked very well for many years now, with efficiencies gained, to the benefit of developers and ratepayers. We expect that a transfer of RMA mining functions would be equally beneficial.

Yours sincerely

Chris Ingle
Chief Executive



Department of
Conservation
Te Papa Atūwhai

SCANNED

2 10 2013

RMA 13

18 February 2013

Westland District Council
Private Bag 704
HOKITIKA 7842

Attention: Richard Simpson

Dear Richard

Section 33 Resource Management Act 1991: Transfer of Functions

Thank you for offering the Department the opportunity to comment on the Westland District Council's preliminary consideration to the desirability or otherwise of transferring its minerals Resource Management Act functions to the West Coast Regional Council.

The Department has considered your preliminary assessment of the concept and while we have no feedback to provide at this point would appreciate you keeping us advised of the outcome of Councils consideration.

Yours sincerely

Chris Hickford
For Conservator